REGULAR MEETING OF THE
TOWN OF EVANS PLANNING BOARD
WEDNESDAY, DECEMBER 10TH, 2025

MEMBERS PRESENT: A. Sellers, L. Szewczyk, J. Pinter, J. Messi, D. Schiedel, K. Hassen.
ALSO PRESENT: William Smith, Director of Planning & Community Development
Brittany Penberthy, Deputy Town Counsel
John Flading, Code Enforcement Officer

Chair: I would like to welcome everyone to the December 10th Planning Board meeting.

All public meetings and public hearings currently scheduled before the Planning Board of the Town of Evans, will be held both in person and by remote access via Zoom while giving the public the ability to listen in and comment when given the opportunity. If any person wishes to comment on these actions, it is their right to do so when the floor is opened to the public. At that time, we ask that anyone who wishes to speak please clearly state your name and address, spelling your last name for the record. Those attending online may "raise their hand" using the function on your Zoom interface. Each person is limited to one opportunity to speak, and comments shall be limited to 3 minutes.

For the record, a Planning Board Public Meeting is conducted solely for the pre-determined action items listed on the official Planning Board Agenda and/or any other business that may be presently before the Planning Board.

The first item on the agenda this evening is:

1. **Site Plan Approval** – Proposed site enhancements to Sturgeon Point Marina, including replacement/reconfiguration of the docks, new fueling station, landscaping and amenities located at 618 Sturgeon Point Rd, Derby, NY 14047. (SBL # 205.03-1-2). Petitioner: Town of Evans.

PROJECT BACKGROUND:

- The Planning Board passed a resolution on September 24th to declare lead agency for the environmental review of the project. The 30-day notice for the coordinated review process began on October 29th when letters were sent out to all potential involved and interested agencies.
- There were no objections to the Planning Board serving as lead agency.
- The project has been before the Planning Board for Site Plan Review at multiple Work Sessions and public information meetings in 2025, including November.

- Finalized plans were filed with the Planning Office on December 3rd, 2025 and the department now seeks a Site Plan Approval from the Board.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, Bill Smith**
    - The proposed project replaces the existing docks with a variety of slip sizes and quantities including transient docks. The current slip sizing and arrangements are limiting to boaters. Additional site changes will benefit marina and lake visitors, making the area more accessible to those of all abilities and bettering this community amenity.
    - Comments made at Work Session were taken into consideration and have been addressed in the plan including moving the accessible kayak launch to the right side of the break wall.
    - The project is in line with both the Comprehensive Plan and LWRP.
    - The site plan review process has considered all community concerns, including impacts on character, aesthetics, and protection of natural resources.
    - Any significant changes due to the permitting review will require the project to be returned to Planning Board as an amendment to the site plan approval.
    - No objections.
- **Code Enforcement Officer, John Flading –** No comments.
- **Deputy Attorney, Brittany Penberthy –** No comments.

OUTSIDE AGENCY REVIEWS:

- The only comments from involved agencies to date regarding the project were from NYSDEC regarding the Coastal Erosion Hazard Area which will be addressed during the Joint Application for Permitting and any additional interagency review.

Chair:

- Are there any comments or questions from the Board before I open the floor to the public?
- There being no further questions or comments from the Board, I will open the floor for any public comment.

    - Don Naetzker, Fisher Associates, and Project Manager for the project presented slides to the Board and attendees about the project.
        - Several Board members questioned the choice for less boat slips but more variety; they approved of this change.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
- There being no further questions from the Planning Board may I please have a motion regarding recommendation to the Town Board?

Motion: Don Schiedel ***Second: Lori Szewczyk***

RESOLUTION (read by Don Schiedel) *SEQR*

WHEREAS, the Planning Board of the Town of Evans is declared Lead Agency for the SEQR process for the proposed site enhancements to Sturgeon Point Marina located at 618 Sturgeon Point Rd, Derby, NY 14047. (SBL # 205.03-1-2); and

WHEREAS, the Evans Planning Department on behalf of the Planning Board conducted a coordinated review of the project and provided written notification to any involved and interested agencies; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Evans Planning Board has reviewed the proposed project and considered all comments received from interested and involved agencies; and

WHEREAS, the Planning Board considered all of the criteria for Determination of Significance listed in the SEQR regulations and has found that the proposed action is primarily a Type 2 action and not anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues a Negative Declaration, thereby concluding that the project is not anticipated to adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Second: Lori Szewczyk

Roll Call Vote: *Aye - Anne Sellers, Aye - Joe Pinter, Aye - Lori Szewczyk,*

Aye - Don Schiedel, Aye - Joe Mesi, Aye - Kevin Hassen

RESOLUTION (read by Don Schiedel)

WHEREAS, the Evans Planning Board has carefully reviewed the proposed site enhancements to Sturgeon Point Marina, including replacement/reconfiguration of the docks, new fueling station, landscaping and amenities located at 618 Sturgeon Point Rd, Derby, NY 14047. (SBL # 205.03-1-2)and

WHEREAS, the Planning Board has issued a SEQR negative declaration and determined that the applicant has met all requirements for site plan approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board conditionally approves the project based, in part, on the following reasons:

- The project is consistent with the Town of Evans Comprehensive Plan.
- The project will provide a valued benefit to the community.
- The project is consistent with the policies of the Town of Evans Local Waterfront Revitalization Program.

BE IT FURTHER RESOLVED, final site plan approval is conditioned on the successful completion of the following:

- The Town will submit a Joint Application for Permitting and receive all necessary approvals from any permitting agencies to perform the work, including the NYS Department of Environmental Conservation, the US Army Corps of Engineers, the NYS Department of State, and the NYS Office of General Services.

Second: Lori Szewczyk

Roll Call Vote: *Aye - Anne Sellers, Aye - Joe Pinter, Aye - Lori Szewczyk,*

Aye - Don Schiedel, Aye - Joe Mesi, Aye - Kevin Hassen

The second item on the agenda this evening is:

2. **Site Plan Approval** – Proposed for improvement to the South Creek Park-John K. Thompson Pool, including replacement of the pool house, new landscaping and amenities, located at 1525 S Creek Rd, Derby, NY 14047 (SBL # 193.17-1-35). Petitioner: Town of Evans.

PROJECT BACKGROUND:

- The Planning Board passed a resolution on September 24th to declare lead agency for the environmental review of the project. The 30-day notice for the coordinated review process began on October 29th when letters were sent out to all potential involved and interested agencies.
- There were no objections to the Planning Board serving as lead agency.
- The project has been before the Planning Board for Site Plan Review at multiple Work Sessions and public information meetings in 2025, including November.
- Finalized plans were filed with the Planning Office on December 3rd, 2025 and the department now seeks a Site Plan Approval from the Board.

INTERDEPARTMENTAL REVIEWS:

- **Planning Director, Bill Smith**
    - The proposed project replaces the pool house with a state-of-the-art building, expands the parking lot, reimagines the landscaping to be more interactive for visitors, provides a variety of new seating arrangements, and various park amenities.
    - Comments made at Work Session were taken into consideration and have been addressed in the plan including adding vending machines, rearranging the lifeguard offices, adding a family restroom, covered lockers and outdoor showers, all poolside.
    - The parallel parking at the front of the building shown in the site plan would be a limited-time parking space, primarily used as drop off locations.
    - The project is in line with both the Comprehensive Plan and LWRP.
    - No objections.
- **Code Enforcement Officer, John Flading –** No comments.
- **Deputy Attorney, Brittany Penberthy –** No comments.

OUTSIDE AGENCY REVIEWS:

- The only comments received during the coordinated review were from NYSDEC requesting jurisdictional determination of any potential wetlands on the site. The determination was requested by the Town, although there are no known wetlands in the project area.

Chair:

- Are there any comments or questions from the Board before I open the floor to the public?
- There being no further questions or comments from the Board, I will open the floor for any public comment.
  - Don Naetzker, Fisher Associates, and Project Manager for the project presented slides to the Board and attendees about the project.
    - Detail drawings show CMU but were intended to be wood.
    - Door to back mechanical room recommended to switch to poolside to be within fencing and more visible to staff.
    - Additional concerns arose about where the water fountains are; could add fountains somewhere for the playground area, potentially freestanding.
    - Fisher commented that they would investigate that because materials were supposed to be wood.
  - Conditions applied to the further changes in design and materiality:
    - A parcel jurisdictional determination must be obtained from NYSDEC to determine whether the property contains regulated freshwater wetlands.
    - A spillover gravel parking area will be identified and utilized by the Town as needed adjacent to the permanent parking lot.
    - Any modifications to the site plan or building floor plans will be revied and approved by the Planning Office with Board input.
- There being no further comments, I will close the floor and bring it back to the Planning Board for further questions/comments.
- Are there any further questions or comments from the Planning Board?
- There being no further questions from the Planning Board may I please have a motion regarding recommendation to the Town Board?

Motion: Lori Szewczyk Second: Kevin Hassen

RESOLUTION (read by Lori Szewzcyk) *SEQR*

WHEREAS, the Planning Board of the Town of Evans is declared Lead Agency for the SEQR process for the proposed improvements to the South Creek Park and John K. Thompson Pool located at 1525 S Creek Rd, Derby, NY 14047 (SBL # 193.17-1-35); and

WHEREAS, the Evans Planning Department on behalf of the Planning Board conducted a coordinated review of the project and provided written notification to any involved and interested agencies; and

WHEREAS, in compliance with Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act – SEQRA) of the Environmental Conservation Law, the Evans Planning Board has reviewed the proposed project and considered all comments received from interested and involved agencies; and

WHEREAS, the Planning Board considered all of the criteria for Determination of Significance listed in the SEQR regulations and has found that the proposed action is primarily a Type 2 action and not anticipated to result in any significant adverse impacts on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board hereby issues a Negative Declaration, thereby concluding that the project is not anticipated to adversely affect the natural resources of the State and/or health, safety, and welfare of the public and is consistent with social and economic considerations.

Second: Don Schiedel

Roll Call Vote: *Aye - Anne Sellers, Aye - Joe Pinter, Aye - Lori Szewczyk**,***

Aye - Don Schiedel, Aye - Joe Mesi, Aye - Kevin Hassen

RESOLUTION (read by Anne Sellers) Approval with Conditions

WHEREAS, the Evans Planning Board has carefully reviewed the proposed improvements to the South Creek Park and John K. Thompson Pool located at 1525 S Creek Rd, Derby, NY 14047 (SBL # 193.17-1-35); and

WHEREAS, the Planning Board has issued a SEQR negative declaration and determined that the applicant has met all requirements for site plan approval.

NOW, THEREFORE, BE IT RESOLVED, the Planning Board conditionally approves the

project based, in part, on the following reasons:

- The project is consistent with the Town of Evans Comprehensive Plan.
- The project will provide a valued benefit to the community.
- The project is consistent with the policies of the Town of Evans Local Waterfront Revitalization Program.

BE IT FURTHER RESOLVED, final site plan approval is conditioned on the following:

- A parcel jurisdictional determination must be obtained from NYSDEC to determine whether the property contains regulated freshwater wetlands.
- A spillover gravel parking area will be identified and utilized by the Town as needed adjacent to the permanent parking lot.
- Any modifications to the site plan or building floor plans will be revied and approved by the Planning Office with Board input.

Second: Joe Pinter

Roll Call Vote: *Aye - Anne Sellers, Aye - Joe Pinter, Aye - Lori Szewczyk**,***

Aye - Don Schiedel, Aye - Joe Mesi, Aye - Kevin Hassen

Thank you everyone for joining in on our meeting this evening, whether in-person or remotely. May I please have a motion to adjourn.

Motion*: Lori Szewczyk* ***Second:*** *Kevin Hassen*

ROLL CALL VOTE:	Chairwoman Sellers	- Aye
	J. Pinter	- Aye
	L. Szewczyk	- Aye
	D. Schiedel	- Aye
	J. Mesi	- Aye
	K. Hassen	- Aye

Chair: Carried. Good night, everyone.

Respectfully submitted by:

Alexandra Kane,
Planning and Development Associate